

ARIZONA RACING COMMISSION

528TH REGULAR MEETING

WEDNESDAY, DECEMBER 3, 2003

MINUTES OF PUBLIC MEETING

A public meeting of the Arizona Racing Commission was convened on Wednesday, December 3, 2003, beginning at 10:00 a.m. in the Department of Racing, 1110 West Washington, Suite 260, Phoenix, Arizona.

A. Call to Order:

Present: Chairman Burton Kruglick
Vice-Chairman Bob Ford
Commissioner Michael Napier
Commissioner Michael Vespoli

Also Present: Geoffrey E. Gonsher, Director
Mary DeLaat Williams, Assistant Attorney General

Chairman Kruglick called the 528th Regular Meeting of the Arizona Racing Commission to order at 10:02 a.m.

The following matters were discussed, considered, and decided at the meeting:

A. Call to Order

1. **Approval of the Minutes of the 527th Regular Meeting held Wednesday, November 12, 2003, and resumed on Monday, November 17, 2003** - **Chairman Kruglick** called for approval of the Minutes. **Vice-Chairman Ford** moved for approval. **Commissioner Vespoli** seconded the motion. **All in favor.**

B. Department Information Reports

Commission members were provided with informational reports on all items listed below. Only select items were addressed by Director Gonsher at the Commission meeting. - None of the items were addressed.

1. First Quarter Breeders' Awards
2. Investigation Procedures for Permittee Locations
3. OTB Closures
4. Department of Racing Correspondence

C. New Business

The following New Business items are for a status report, presentation, discussion, and possible action for the Commission.

1. **New Enforcement and Compliance Manager** - **Director Gonsher** introduced Anthony Leonard, the Department of Racing's new Enforcement and Compliance Manager. Mr. Gonsher gave a brief overview of Mr. Leonard's career and qualifications for the position. **Chairman Kruglick** welcomed Mr. Leonard.
2. Withdrawn - Amendment to Tucson Greyhound Park Permit - **Director Gonsher** informed Commissioners that a telephonic meeting would be scheduled to address this item during the next week.
3. **County Fair Steward** - **Director Gonsher** introduced Trudie Lyons, who, subject to Commission approval, will become the new County Fair Steward. After giving a brief overview of Ms. Lyons' career and qualifications, Mr. Gonsher asked that the Commission approve the appointment of Ms. Lyons as County Fair Steward. **Vice-Chairman Ford** moved for approval. **Commissioner Vespoli** seconded the motion. **All in favor.**
4. **Status Report of HR 857** - **Chairman Kruglick** read an excerpt of a letter from Representative Ed Pastor received in response to a Racing Commission letter urging support of H.R. 857 The American Horse Slaughter Prevention Act. As of this date, the bill has not gone to Committee. Mr. Pastor promised to keep the Commission's concerns in mind if the bill came to the House floor for consideration. Mr. Kruglick noted that this matter would be discussed at the NAPRA Board meeting on Thursday, December 11, during the Racing Symposium. **Commissioner Napier** thanked the Breeders for joining in support of this bill and commended the Department for taking aggressive action on this issue.
5. **Tucson Greyhound Park Request to Replace EMT with Approved Emergency Equipment** **Director Gonsher** informed Commission members that Tucson Greyhound Park has complied with Department requests regarding this matter and is back before the Commission requesting approval. **Tom Taylor**, TGP General Manager, informed the Commission that TGP has purchased a defibrillator for use

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at the track. Mr. Taylor gave an oral presentation and demonstrated the use of the defibrillator using a training unit. Mr. Taylor noted that all employees will be trained on the unit. At the end of the demonstration **Commissioner Vespoli** moved to approve the request. **Vice-Chairman Ford** seconded the motion. **All in favor.**

6. **Prohibited Use of Erythropoietin (EPO)** – **Director Gonsher** informed Commission members that concerns have been raised about the use of EPO. The Department of Racing wants to be proactive on this matter in order to protect horses, and has asked **Chief Veterinarian Leslie Salmons** and **Petra Hartmann, Director of Drug Testing Services for The Industrial Laboratories** (by telephone) to give oral presentations on this matter. Following the presentations, Dr. Salmons and Ms. Hartmann responded to questions from Commission members. **Director Gonsher** noted that the Department needs to determine the extent of use or misuse of the drug and if this is an issue in Arizona. The Department intends to continue working with Industrial Laboratories to develop a valid testing procedure. A status report will be brought back to the Commission in January, or as soon as additional information is available.
10. **Three-Pound Allowance Rule** – **Director Gonsher** informed Commission members that The Jockeys' Guild has asked that their letter be withdrawn from consideration in this matter. **Sarah Struck**, HBPA Secretary/Treasurer, **Pam Eikleberry**, owner/breeder, **Richard Owens**, owner/breeder, **Scott Stevens**, jockey, and **George Bango**, HBPA board member, spoke in support of the rule. **Yvonne Kunz**, ATBA Executive Director, spoke in opposition to the rule. Following discussion of the matter, **Chairman Kruglick** suggested that a meeting be held by representatives of both sides to try to reach a compromise. **Commissioner Napier** offered to represent the Commission at the meeting. It was agreed that a meeting would be held at Turf Paradise to discuss the proposed rule as well as additional ways to help Arizona bred horses.

Commissioner Vespoli left the meeting during Item No. 10.

7. Permittee Operations Reports

- **Apache Greyhound Park** – **Ed Braunger**, General Manager, reported that live racing began last Friday at Apache Greyhound Park. Attendance was up; the handle was down slightly.
- **County Fairs** – **Lloyd Yother**, AQRA President, reported that the county fairs had a meeting in Laughlin during the Arizona Fairs Association annual convention. The meeting went well. Mr. Yother invited the Commission and those in attendance to the AQRA Annual Awards Banquet in Casa Grande on Saturday, December 6.
- Phoenix Greyhound Park – no report
- Rillito Park – no report
- **Tucson Greyhound Park** – **Tom Taylor**, General Manager, invited the Commission and all in attendance to come to the track for dinner and the races during Symposium week.

Chairman Kruglick asked that the Department schedule a winter Commission meeting in Tucson.

- **Turf Paradise** – **Randy Fozzard**, General Manager, commended Director Gonsher and the Department for their efforts in addressing the EPO issue.
 - Yavapai Downs – no report
 - Yuma Greyhound Park – no report
8. **TP Racing, L.L.L.P. Request for Additional Wagering Facility (Cilantros Mexican Restaurant, 2800 Woodlands Blvd., Flagstaff, Arizona)** – **Bill Walsh**, Programs and Projects Specialist, advised the Commission that the application was in place and ready for Commission consideration. **Vice-Chairman Ford** moved for approval. **Commissioner Napier** seconded the motion. **All in favor.** (Commissioner Vespoli not present for the vote.)
9. **Amendment to TP Racing, L.L.L.P. Permit** – **Randy Fozzard**, Turf Paradise General Manager, explained that no simulcast racing was available on Christmas Eve. Because of this, Turf requested that December 24, 2003 be designated as a non-wagering day at Turf Paradise. **Vice-Chairman Ford** moved to approve the request. **Commissioner Napier** seconded the motion. **All in favor.** (Commissioner Vespoli not present for the vote.)

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C. Commission Reports

1. Summary of Current Events Affecting the Arizona Racing Commission.

Commissioner Napier asked Director Gonsler if he knew the status of the bill that would reduce criminal sanctions for cruelty to greyhounds. **Director Gonsler** informed Commissioner Napier that the bill died.

2. Identification of Matters to be Placed on Future Agendas.

Commissioner Napier asked that a progress report from the Racehorse Retirement Committee be placed on a future agenda:

Executive Sessions. The Commission may vote to go into executive session on any of the foregoing agenda items for legal advice from its attorney pursuant to A.R.S. § 38-431.03(A)(3).

E. Call to the Public

Those members of the public wishing to address the Commission must sign the signup sheet and be recognized by the Chair. Time permitting; each presentation will be given approximately five minutes. Action taken as a result of public comment will be limited to directing staff to study the matter or re-schedule the matter for further consideration at a later date.

None.

Announcements

The next regular Commission meeting will be held on January 14, 2004, at 10:00 a.m.

Adjournment:

Chairman Kruglick called for a motion to adjourn. **Commissioner Napier** moved to adjourn. **Commissioner Ford** seconded the motion. **All in favor.** (Commissioner Vespoli not present for the vote.)

The meeting adjourned at 11:19 a.m.

Dated this 10th day of December 2003.

Arizona Racing Commission

By _____
Joyce Cozby, Commission Secretary